

REMARKS

Forty Six claims were originally submitted for examination in this application.

In response to an Election/Restriction Requirement communicated via telephone by the Examiner on February 5, 2003, applicant elected the Group I claims drawn, as defined by the Examiner, to a hardened voyage data recorder.

Claims 42-46, drawn to a process for fabricating a hardened voyage data recorder, were not elected. The Election/Restriction Requirement was responded to with traverse and remains so.

In co-pending application Serial Number 09/899,646, filed on July 6, 2001 on behalf of Gregory Purdom, entitled "Boiler For A Hardened Voyage Data Recorder" an Election/Restriction Requirement was also lodged.

During the course of reviewing all pending claims in both the 09/899,646 application and the instant 09/899,647 application, considering which claim sets to elect, considering further the Examiner's claim groupings, etc., it was determined that the claims defined by the Examiner as the "Group II" claims in the 09/899,646 application should be cancelled from that application (without prejudice), in favor of being introduced in this patent application (Serial Number 09/899,647).

More particularly, as correctly pointed out by the Examiner, claims 89-111 in the co-pending 09/899,646 application (the Examiner's Group II claims for that case), were drawn to a "hardened voyage recorder".

Applicant agrees and accordingly, on even date herewith, is cancelling the hardened voyage recorder orient claims (claims 89-111) from the 09/899,646 application (Via a Preliminary Amendment filed in that application); and introducing these claims, via this Preliminary Amendment, as new claims 47-69 in instant Application (Serial Number 09/899,647).

It is respectfully submitted that new claims 47-69 be entered prior to examination of the instant application as no new matter is being introduced thereby; and that these new claims be considered part of the elected Group I claims

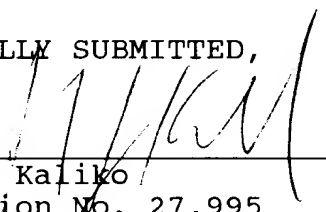
(previously elected claims 1-41), drawn, as correctly noted by the Examiner, to a hardened voyage data recorder.

As new claims are being introduced into this application, claim fees are due as indicated on the Amendment Transmittal letter accompanying this Preliminary Amendment. These fees are being paid herewith.

Further, this paper is being filed via Express Mail and via fax to Fax Number 703-746-4129; with payment for the additional claims accompanying the aforementioned Express Mail filing.

Applicant respectfully requests consideration of claims 1-41 and 47-69 now pending; and solicits the allowance of these claims at an early date.

RESPECTFULLY SUBMITTED,



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L3-007
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COPY OF PRELIMINARY AMENDMENT FILED
IN CO-PENDING PATENT APPLICATION 09/899,646

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